

In The United States District Court for The District of Texas

FILED

April 28, 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXASBY: RR
DEPUTYUnited States of America
Plaintiff

§

§

VS

§

Cause NO. _____

Sean Aaron Smith

5:22-CR-00304-XR

Defendant

§

5:23-CR-00136-XR

Motion To request Federal sentence be served concurrently with state sentence or to Allow Federal sentence to be served first

COMES NOW the defendant, Sean Aaron Smith, By and through self, Pro Se, and respectfully moves this court for an order allowing the federal sentence imposed in this case to be served concurrently with the state sentence that the defendant is currently serving, or alternatively, to permit the defendant to serve the federal sentence first while in state custody. In support of this motion, the defendant respectfully submits the following:

BACKGROUND

- Defendant's current custody: The defendant is currently incarcerated in the Texas Department of Criminal Justice (TDCJ), following conviction and sentencing in the Texas court for: Felony in possession of a Firearm 2021CR234323
- Federal conviction: The defendant was convicted in this court on _____, and was sentenced to a term of imprisonment of 78 months in the Bureau of Prisons.

3. Detainer and Federal Sentence: A detainer has been placed by the U.S. Marshals on the defendant, indicating that the defendant has been sentenced on federal charges, and is to be transferred to federal custody once their state sentence has been completed.
4. State sentence: The defendant's state sentence is expected to be completed on: 5-13-2039
5. Request: The defendant respectfully requests that this court issue an order to run the federal sentence concurrently with the state sentence, or in the alternative, allow the defendant to serve the federal sentence first, while remaining in state custody.

ARGUMENT

1. Legal Basis for Concurrent Sentencing: Under 18 U.S.C. § 3584(a), a federal court has the authority to order that a sentence run concurrently or consecutively to any other sentence. The defendant submits that it is in the interest of justice for the federal sentence to be served concurrently with the state sentence, as both charges arise from distinct, but parallel criminal conduct, and the defendant has shown a willingness to comply with the terms of incarceration.
2. Federal and state cooperation: The defendant requests this court to recognize that the Bureau of Prisons and state authorities may agree to allow the defendant to serve the federal sentence concurrently with the state, even while incarcerated in the state system. This is especially appropriate where the defendant is not a flight risk and

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There are no reasons regarding the severity of the federal offense that would require a separate federal facility.

3. Equitable consideration: The Defendant Already served a substantial period of incarceration on the state charges and it would be prejudicial and unconstitutional to delay before beginning service of federal charges/sentence. Serving the federal sentence concurrently will allow the defendant to begin fulfilling the federal obligation without further delay, while ensuring that the time spent incarcerated on the state charges counts toward the federal sentence.
4. Precedent for concurrent sentencing: Courts have historically permitted federal sentences to run concurrently with state sentences where the defendant is in state custody and where so would serve the interest of justice. See: United States v. Quintero, 34 F.3d 389 (9th Cir. 1994); Holding that a federal court may allow concurrent sentences when there is cooperation between federal and state authorities and no legal conflict.
5. Logistical Convenience: Additionally, by allowing the defendant to serve the federal sentences while in state custody, this would reduce the logistical burden on both the state and federal systems and potentially reduce the strain on federal resources that would be required to transfer the defendant to a federal facility.
6. Further Considerations: The defendant further requests that

The Court grant any other considerations in the foregoing matter it sees fit, equitable, & fair.

Conclusion

For the reasons set forth above, The Defendant respectfully moves that this Court issue an order allowing the defendant's federal and state sentence run concurrently with the state, and/or alternatively allow the defendant begin serving the federal sentence while in state custody

Respectfully Submitted
Pro Se
Sean Aaron Smith

X _____

TOCTJ# _____

CERTIFICATE OF SERVICE

I hereby certify that a True and correct copy of
The Foregoing Instrument was served on The [U.S.
Attorney's office /state Prosecutor] on _____

Pro Se
Sean AARON SMITH

X _____

TODJ# _____

Sir/Mama

Included is a motion to be filed in The US District Court concerning: Sean Aaron Smith DOJ # 2495263, and my Federal charges of Felon in Poss. of a Firearm, and 844I ARson. I have a concurrently running sentence of 78 months. I do NOT have The Cause #s and would request that The clerk Please Fill in The Appropriate Cause Numbers for Appropriate Filing of The Included motion.

Thank you

Sean Aaron Smith
DOJ #

X

Sean Smith #21495263
1695 S Buffalo Dr
78566 Raymondville
Texas

U.S. Federal Court House
262 W. Nueva St
SA, Texas 78207

RECEIVED

APR 21 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY CLERK

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